

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SANDRA D. SOLOMON,

Plaintiff,

Case No. 20-cv-66-pp

v.

JANET PROTASIEWICZ, *et al.*,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO
APPEAL (DKT. NO. 14)**

The court dismissed this case on October 24, 2022, dkt. no. 12, and entered judgment the same day, dkt. no. 13. Over a month later, on November 29, 2022, the court received from the plaintiff a motion to extend the time for filing an appeal because she wants to retain a lawyer for the appeal process. Dkt. No. 14. A district court may extend the time to file a notice of appeal if “a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires” and “that party shows excusable neglect or good cause.” Federal Rule of Appellate Procedure 4(a)(5)(A); see also 28 U.S.C. §2107(c). The extension may not exceed thirty days after the expiration of the time to appeal or ten days after entry of the order granting the extension, whichever is later. Fed. R. App. P. 4(a)(5)(C).

The plaintiff's motion for an extension of time is dated November 28, 2022—thirty-six days after the court entered judgment. Dkt. No. 14 at 1. The

motion does not explain why the plaintiff did not request an extension prior to the expiration of the thirty-day appeal period. The plaintiff asserts that “[e]ver since last week, Thursday into Friday (November 24-25, 2022), I’ve been trying to get a hold of the United States District Court: Eastern District of Wisconsin, via phone and in person.” Id. She says she assumes the court was closed for the holidays. Id. The plaintiff doesn’t indicate what steps the plaintiff has taken to find a lawyer to represent her, the length of any extension she would like or when she would be in a position to file an appeal.

The rule required the plaintiff to file an appeal within thirty days from entry of judgment unless one of the parties is the United States, a United States agency or a United States officer or employee sued in an official capacity or an individual capacity for an act or omission in connection with official duties. Fed. R. App. P. 4(a)(1)(B)(i)-(iv). Although the plaintiff has named the United States Supreme Court, the United States District Court for the Eastern District of Wisconsin and U.S. Congresswoman Gwen Moore as defendants, the complaint contains no allegations or claims against these entities or individuals. Dkt. No. 1. In the court’s order of dismissal, the court noted that the plaintiff appeared to name these defendants because she believed they could help. Dkt. No. 22 at 7. Because those entities are not parties, the plaintiff was required to file her appeal within thirty days from October 24, 2022—that is, by Wednesday, November 23, 2022. She did not do so.

The plaintiff’s claim that she was trying to get in touch with the court on November 24 and 25 and could not do so fails for two reasons. First, as the

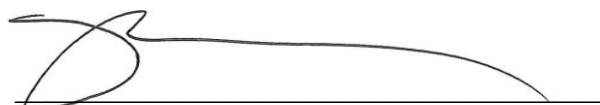
court noted above, the plaintiff's notice of appeal was due by November 23, so her attempts (if there were any) to contact the court on November 24 and 25 were too late. Second, Thursday, November 24, 2022 was Thanksgiving Day. That is an official federal holiday; the court *was* closed, and there was no reason for the plaintiff to have expected it to be open on a federal holiday. If the plaintiff had tried to contact the court *before* the date her appeal was due—before November 23, 2022—she would have had no difficulty reaching anyone.

Finally, it is not clear why the plaintiff was trying to reach the court. If she wanted an extension of time to file her appeal, she needed only to file a motion asking for such an extension. She *did* file such a motion—apparently without talking to anyone from the court—but she filed it late. The plaintiff has not demonstrated either excusable neglect *or* good cause.

The court **DENIES** the plaintiff's motion for extension of time to file an appeal. Dkt. No. 14.

Dated in Milwaukee, Wisconsin this 25th day of January, 2023.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge